

MATTER OF WONG

In Deportation Proceedings

A-14322774

Decided by Board June 11, 1971

Deportation proceedings will not be terminated to permit respondent to proceed toward naturalization where there is no pending application or petition for naturalization by him and he has not established prima facie eligibility for naturalization.

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Non-immigrant crewman—remained longer.

ON BEHALF OF RESPONDENT:

David Carliner, Esquire
Pennsylvania Building
Washington, D.C. 20004

ON BEHALF OF SERVICE:

R. A. Vielhaber
Appellate Trial Attorney

The respondent, a native of China, has been found deportable under the provisions of section 241(a)(2) of the Immigration and Nationality Act in that after admission as a nonimmigrant crewman, he has remained longer than permitted. An order entered by the special inquiry officer on March 19, 1968, granted him the privilege of voluntary departure in lieu of deportation with the alternative order that he be deported to Hong Kong or the Republic of China on Formosa if he failed to depart on or before April 19, 1968. There was no appeal from the special inquiry officer's order. The respondent failed to depart and a warrant of deportation was issued. The respondent on August 14, 1969 moved for a reopening of the deportation proceedings to permit the withdrawal of the outstanding order of deportation, so as to enable him to be inducted into the armed forces of the United States. His motion alleges, *inter alia*, that he is duly registered under the Selective Service and Training Act and has been issued a "statement of acceptability" for induction into the armed services of the United States; that on October 24, 1968 he was or-